

Rule: 10.55.604

Rule Title: VARIANCES TO STANDARDS

Department: EDUCATION, DEPARTMENT OF
Chapter: STANDARDS OF ACCREDITATION
Subchapter: General Provisions

Latest version of the adopted rule presented in Administrative Rules of Montana (ARM):

10.55.604 VARIANCES TO STANDARDS

(1) A school district may apply to the Board of Public Education through the Superintendent of Public Instruction to implement an alternative to a standard or a section of standards, excluding standards stating statutory criteria, standards pertaining to teacher licensure or endorsement, and content and performance standards as defined by the Board of Public Education and provided in guidance from the Superintendent of Public Instruction.

(a) In its application, the school district shall provide evidence establishing that its alternative is workable and educationally sound in comparison to the intent of the standard(s) that would be waived, and shall establish that the goals of the alternative will meet or exceed the results under the current standard(s).

(b) In its application, the school district shall submit a statement of mission and objectives, and identify formative and summative measures to be used to evaluate the effectiveness of the alternative.

(c) Upon appropriate application, the Board of Public Education shall approve or deny the proposed alternative.

(d) If the board denies the proposed alternative, it shall state in writing why it has done so.

(e) If the board approves the proposed alternative, its initial approval shall be for two years.

(f) During the second year of the initial approval, the Board of Public Education, through the Office of Public Instruction, shall direct an on-site evaluation of the alternative.

(g) If the board finds the alternative is workable and educationally sound in comparison to how the waived standard(s) previously worked in the district, the board shall renew the alternative for five years.

(h) Subject to on-site evaluations every five years, the board may continue to renew the alternative.

(i) A school district may discontinue an approved alternative at any time. If it does so, it shall promptly notify the Board of Public Education in writing.

(2) A school district may apply to the Board of Public Education through the Superintendent of Public Instruction to create a charter school.

(a) A charter school must provide an education that meets or exceeds the requirements of the Montana Constitution, state law, and school accreditation standards.

(b) The Board of Public Education may only grant charters to publicly funded schools or programs under the supervision and control of a locally

elected board of trustees in an existing school district.

(c) The procedure by which a school district may apply to create a charter school and by which the Board of Public Education may approve, deny, evaluate, and renew a charter school shall be identical to that outlined in ARM 10.55.604.

(d) To be proposed by a school district and approved by the Board of Public Education, a charter school shall, at a minimum, guarantee the following:

- (i) school district governance and control;
- (ii) unrestricted, open student access;
- (iii) compliance with all health and safety laws;
- (iv) teacher licensure and endorsement to the same extent as required or provided by state law or accreditation standards;
- (v) employee collective bargaining to the same extent as required or provided by state law; and
- (vi) a plan for consideration of input by community members and staff as to formation and implementation issues. Consideration of input may be identified by formation of advisory committees involving staff and/or community members, conduct of a properly noticed public meeting for purposes of comment on the formation or operation of the charter school, or any other reasonable means that result in an opportunity for input by staff and community members prior to a decision of significant interest to the public regarding the formation or operation of the charter school.

(e) A school district may discontinue an approved charter school at any time. If it does so, it shall promptly notify the Board of Public Education in writing.

History: Sec. 20-2-114, MCA; IMP, Sec. 20-2-121, 20-3-106, 20-7-101, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 1995 MAR p. 623, Eff. 4/28/95; AMD, 1998 MAR p. 2707, Eff. 10/9/98; AMD, 2000 MAR p. 3340, Eff. 12/8/00; AMD, 2002 MAR p. 3309, Eff. 11/28/02.